IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.5628 of 2007
Date of Decision: 19.4.2007

Sarban Singh ....Petitioner through
Mr. N.S. Bawa,Advocate

Versus

Chandigarh Administration and others ..... Respondent

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN,
CHIEF JUSTICE.
HON'BLE MR.JUSTICE RAJIVE BHALLA

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

****

VIJENDER JAIN, CHIEF JUSTICE

Prayer in the present writ petition is for quashing of orders dated 22.4.1972, 30.6.1972, 23.8.1973 and 14.5.1975, as also for the issuance of a writ in the nature of Mandamus directing respondent no.2, to review the orders of resumption as a one time measure as ordered in CWP No.9987 of 2004 decided on 5.10.2005.

We have heard learned counsel for the petitioner and perused the paper book.

The writ petition, merits dismissal on the ground of gross delay and laches. As would be seen from a reference to the impugned orders, the last order was passed on 14.5.1975. The first order of resumption was

passed on 22.4.1972.

The petitioner was allotted an industrial plot on 29.11.1965. He was required to construct the same within an year. This period of construction was extended upto 31.3.1972. As the petitioner failed to complete the building upto the aforementioned date, the Estate Offficer, Chandigarh, ordered resumption of the building and forfeited 10% of the price. The appeal filed by the petitioner was allowed vide order dated 30.6.1972 on the condition that the petitioner should obtain an occupation certificate within three months and end misuse of the premises within a month. The petitioner, thereafter, preferred a revision, wherein the Chief Commissioner, Chandigarh, vide order dated 23.8.1973 granted time upto 31.3.1974, to complete the building as per sanctioned plan and end misuse of the existing structure by the aforementioned date. Thereafter, the petitioner filed a review petition, wherein time was extended upto 15.8.1975.

Admittedly and till date, the petitioner has not raised construction and has not ceased to misuse the building in existence. The explanation for delay, is a dispute within the family, which as per the pleadings, also came to be resolved in the year 1982. The explanation put-forth for the subsequent delay is that the Estate Officer refused to register ownership, on the basis of the award of the arbitrator that resolved the family dispute. In our considered opinion, as the proceedings for resumption attained finality in the year 1975, challenge to the aforementioned proceedings in the year 2007, without setting forth any cogent explanation, cannot be countenanced. Reliance by the petitioner upon a judgement of this Court, namely; CWP No.9987 of 2004 decided on

5.10.2005 is unwarranted as the said order was passed on the statement made by counsel for the Union Territory, Chandigarh that the matter be remanded back to the highest authority, but only as a one time measure.

In view of what has been noticed herein above, the present petition is dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

19.4.2007
GS

(RAJIVE BHALLA)
JUDGE